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Elimination of racism and racial discrimination

Venezuela:* revised draft resolution

Measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance

The General Assembly,

Recalling its resolution 55/83 of 4 December 2000, and taking note of Commission on Human Rights resolution 2001/5 of 18 April 2001,[1]

Welcoming the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001 in Durban, South Africa,[2]

Stressing that the Durban Declaration and Programme of Action provides a solid basis for combating the contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance,

Stressing also that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[3] attaches importance to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Reaffirming the spirit of renewed political will and commitment to combat the scourge of racism, racial discrimination, xenophobia and related intolerance, from which no country is free,

Convinced that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

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* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[2] See A/CONF.189/12, chap. I.

[3] A/CONF.157/24 (Part I), chap. III.

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Deeply concerned that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the increase in racist violence in many parts of the world, inter alia, as a result of resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Emphasizing that remembering the crimes and wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity,

Deeply concerned that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Noting that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance that are increasingly visible in segments of many societies and are perpetrated by individuals or groups, some of which manifestations are directed against migrant workers and members of their families,

Reaffirming the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups,

Recognizing both the challenges and the opportunities in combating racism, racial discrimination, xenophobia and related intolerance in an increasingly globalized world,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Deeply concerned that racism and racial discrimination against migrant workers continue to persist despite the efforts undertaken by the international community to protect the human rights of migrant workers and members of their families,

Noting that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993[4] concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[5] holds that the prohibition of the dissemination of ideas based on racial superiority or

[4] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

[5] Resolution 2106 A (XX), annex.

racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights[6] and in article 5 of the Convention,

Affirming that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for promoting equality and non-discrimination in the world,

Noting that the reports that the States parties submit under the Convention contain, inter alia, information about the causes of, as well as measures to combat, contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Noting with concern the existence of multiple discrimination, in particular against women,

Underlining the importance of urgently eliminating continued and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

Recognizing that failure to combat racial discrimination and xenophobia, especially by public authorities and politicians, is a factor encouraging their perpetuation in society,

Emphasizing the importance of creating conditions that foster greater harmony and tolerance within societies,

1. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and encourages its continuation;

2. *Requests* the Special Rapporteur to continue his exchange of views with Member States, United Nations organs and the specialized agencies, other relevant mechanisms and non-governmental organizations in order to further their effectiveness and mutual cooperation;

3. *Commends* the Committee on the Elimination of Racial Discrimination for its role in the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[5] which contributes to the fight against contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

4. *Urges* States that have not yet done so to consider ratifying or acceding to the international human rights instruments that combat racism, racial discrimination, xenophobia and related intolerance, in particular to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of urgency, with a view to achieving universal ratification by the year 2005, and to consider making the declaration envisaged under article 14 thereof, to comply with their reporting obligations, and to publish and act upon the concluding observations of the Committee on the Elimination of Racial Discrimination; and also

[6] Resolution 217 A (III).

urges States to withdraw reservations contrary to the object and purpose of that Convention and to consider withdrawing other reservations;

5. *Urges* States to adopt and implement, or strengthen, national legislation and administrative measures that expressly and specifically counter racism and prohibit racial discrimination, xenophobia and related intolerance whether direct or indirect, in all spheres of public life, in accordance with their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, ensuring that their reservations are not contrary to the object and purpose of the Convention;

6. *Also urges* States to establish, on the basis of statistical information, national programmes, which may include affirmative or positive measures, to promote access of individuals and groups of individuals who are or may be victims of racial discrimination to basic social services, including primary education, basic health care and adequate housing;

7. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred; and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments they have undertaken under the Durban Declaration and Programme of Action,[2] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards on freedom of expression, and taking all necessary measures to guarantee the right to freedom of opinion and expression;

8. *Welcomes* international consultations at the governmental level with a view to combating the misuse of the Internet for racist purposes, and stresses the importance of international law enforcement cooperation in this area;

9. *Reaffirms* that acts of violence against others stemming from racism do not constitute expressions of opinion but rather offences;

10. *Declares* that racism and racial discrimination continue to be serious violations of and obstacles to the full enjoyment of all human rights and must be prevented and combated by all available means;

11. *Calls upon* States to criminalize all forms of trafficking in persons, in particular women and children, and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking with full respect for their human rights;

12. *Urges* States to enact and implement, as appropriate, laws against trafficking in persons, especially women and children, and smuggling of migrants, taking into account practices that endanger human lives or lead to various kinds of servitude and exploitation, such as debt bondage, slavery, sexual exploitation and labour exploitation; and also encourages States to create, if they do not already exist, mechanisms to combat such practices and to allocate adequate resources to ensure law enforcement and the protection of the rights of victims, and to reinforce bilateral, regional and international cooperation, inter alia, with non-governmental organizations that assist victims, to combat this trafficking in persons and smuggling of migrants;

13. *Also urges* States to take all necessary measures to address specifically, through policies and programmes, racism and racially motivated violence against

women and girls and to increase cooperation, policy responses and effective implementation of national legislation and of their obligations under relevant international instruments, and other protective and preventive measures aimed at the elimination of all forms of racially motivated discrimination and violence against women and girls;

14. *Further urges* States to mainstream a gender perspective in the design and development of measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

15. *Expresses its profound concern* about and unequivocal condemnation of all forms of racism, racial discrimination, xenophobia and related intolerance, in particular all racist violence, including related acts of random and indiscriminate violence;

16. *Condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance; and reaffirms that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights and may endanger friendly relations among peoples, cooperation among nations and international peace and security;

17. *Expresses its profound concern* about and unequivocal condemnation of all forms of racism, racial discrimination, xenophobia and related intolerance including propaganda, activities, organizations and political platforms based on doctrines of superiority of one race or group of persons that attempt to justify or promote racism and racial discrimination in any form which are incompatible with democracy and transparent and accountable governance;

18. *Expresses its concern* that, beyond the fact that racism is gaining ground, contemporary forms and manifestations of racism and xenophobia are striving to regain political, moral and even legal recognition in many ways, inter alia, through the platforms of some political parties and organizations and the dissemination through modern communication technologies of ideas based on the notion of racial superiority;

19. *Notes* that article 4 (b) of the International Convention on the Elimination of All Forms of Racial Discrimination places an obligation upon States to be vigilant and to proceed against organizations that disseminate ideas based on racial superiority or hatred, acts of violence or incitement to such acts, which organizations shall be condemned and discouraged;

20. *Expresses its profound concern* about and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against, and stereotyping of, migrant workers and members of their families, persons belonging to minorities and members of vulnerable groups in many societies;

21. *Urges* States, including the law enforcement agencies, to design and fully implement effective policies and programmes to prevent, detect and ensure accountability for misconduct by police officers and other law enforcement

personnel that is motivated by racism, racial discrimination, xenophobia and related intolerance, and to prosecute perpetrators of such misconduct;

22. *Also urges* States to design, implement and enforce effective measures to eliminate the phenomenon popularly known as "racial profiling", consisting in the practice by police and other law enforcement officers of relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity;

23. *Recognizes* that members of certain groups with a distinct cultural identity face barriers arising from a complex interplay of ethnic, religious and other factors, as well as their traditions and customs, and calls upon States to ensure that measures, policies and programmes aimed at eradicating racism, racial discrimination, xenophobia and related intolerance address the barriers that this interplay of factors creates;

24. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

25. *Recognizes* that different manifestations of racism, racial discrimination and xenophobia in various parts of the world require a more integrated and effective approach on the part of the relevant mechanisms of United Nations human rights machinery;

26. *Encourages* Governments to take appropriate measures to eradicate all forms of racism, racial discrimination, xenophobia and related intolerance;

27. *Underscores* the need to design, promote and implement at the national, regional and international levels, strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance, inter alia, through more effective access to the political, judicial and administrative institutions, as well as the need to promote effective access to justice, as well as to guarantee that the benefits of development, science and technology contribute effectively to the improvement of the quality of life for all, without discrimination;

28. *Urges* States to adopt the necessary measures, as provided by national law to ensure the right of victims to seek just and adequate reparation and satisfaction to redress acts of racism, racial discrimination, xenophobia and related intolerance, and to design effective measures to prevent the repetition of such acts;

29. *Also urges* States to review and revise, where necessary, their immigration laws, policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments;

30. *Calls upon* all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to continue to supply relevant information to the Special Rapporteur to enable him to fulfil his mandate;

31. *Recognizes* the importance of independent national human rights institutions conforming to the principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134 of 20 December 1993, and other relevant specialized institutions created by law for the promotion and protection of human rights, including ombudsman institutions, in the struggle against racism, racial discrimination, xenophobia and related intolerance, as well as for the promotion of democratic values and the rule of law; and encourages States, as appropriate, to establish such institutions and call upon the authorities and society in general in those countries where they are performing their tasks of promotion, protection and prevention to cooperate to the maximum extent possible with these institutions, while respecting their independence;

32. *Strongly condemns* the fact that slavery and slavery-like practices still exist today in parts of the world and urges States to take immediate measures as a matter of priority to end such practices, which constitute flagrant violations of human rights;

33. *Commends* non-governmental organizations for the action that they have taken against racism and racial discrimination and for the continuous support and assistance that they have provided to the victims of racism and racial discrimination;

34. *Urges* all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate, including the examination of incidents of contemporary forms of racism and racial discrimination;

35. *Requests* the Secretary-General to provide the Special Rapporteur with all of the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-seventh session;

36. *Decides* to continue the consideration of this matter at its fifty-seventh session under the item entitled "Elimination of racism and racial discrimination".